

### **REMARKS**

Applicants acknowledge receipt of a Final Office Action dated May 25, 2007. In this response, Applicants have amended claim 13, *inter alia*, incorporating the subject matter of claim 16, rewritten claim 15 in independent form, added new claim 23, and amended claim 16 to depend from new claim 23. Support for these amendments may be found, *inter alia*, in figures 1 and 2 and the corresponding discussion in the specification. Following entry of these amendments, claims 13-23 are pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### **Statement of Substance of Interview**

As an initial matter, Applicants wish to thank Examiner Bonck for the courtesies extended to their representative, Mr. Paul Strain, during a personal interview conducted on September 13, 2007. During the interview Examiner Bonck and Mr. Strain discussed the rejections set forth in the outstanding Office Action.

### **Allowable Subject Matter**

Applicants acknowledge, with appreciation, the PTO's indication, on page 6 of the Office Action, that claim 15 would be allowable if rewritten in independent form and in a manner which addresses the outstanding § 112, 2<sup>nd</sup> paragraph rejection. In this response, Applicants have redrafted claim 15 in independent form in a manner which addresses the outstanding § 112, 2<sup>nd</sup> paragraph rejection.

### **Specification**

On page 2 of the Office Action, the PTO has objected to the references to claim numbers in the specification. In this response, Applicants have amended the specification to obviate the issue raised by the PTO. Reconsideration and withdrawal of the objection to the specification is respectfully requested.

### **Rejection Under 35 U.S.C. § 112**

On page 2 of the Office Action, the PTO has rejected claims 13-22 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as allegedly being indefinite. In this response, Applicants have amended claim 13. Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under §112 in view of these amendments.

### **Rejection Under 35 U.S.C. § 102**

On page 3 of the Office Action, the PTO has rejected claims 13 and 14 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 4,526,257 to Mueller (hereafter “Mueller”). Applicants traverse this rejection for the reason set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Here, Mueller fails to disclose a device wherein “the fluid friction clutch and the electromagnetic clutch are arranged on opposite sides of the web and the driving disks are fastened on the drive shaft, and. . . the drive shaft is mounted rotatably in a bearing housing which comprises a coolant pump impeller fastened to its driven shaft end and the driving disks fastened to its driving end” as recited in independent claim 13. For this reason, Applicants submit that the outstanding rejection under §102 does not properly apply to amended claim 13 or to claim 14 which depends therefrom.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 102.

### **Rejection Under 35 U.S.C. § 103**

In the Office Action, the PTO has set forth a number of rejections under 35 U.S.C. § 103 which Applicants summarize below for reference:

- On page 4 of the Office Action, the PTO has rejected claims 16-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mueller in view of U.S. Patent 6,915,887 to Faller *et al.* (hereafter “Faller”).

- On page 5 of the Office Action, the PTO has rejected claims 20 and 21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mueller in view of JP 62-210287A to Makoto *et al.* (hereafter “JP ‘287”).
- On page 5 of the Office Action, the PTO has rejected claim 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mueller in view of Makoto and further in view of U.S. Patent 3,924,716 to Brewer (hereafter “Brewer”).

Applicants traverse these rejections for the reasons set forth below.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants’ disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Here, Mueller, Faller, JP ‘287, and Brewer, whether taken individually or in combination, fail to teach or suggest a device wherein “the fluid friction clutch and the electromagnetic clutch are arranged on opposite sides of the web and the driving disks are fastened on the drive shaft, and. . . the drive shaft is mounted rotatably in a bearing housing which comprises a coolant pump impeller fastened to its driven shaft end and the driving disks fastened to its driving end” as recited in independent claim 13. For at least this reason, Applicants submit that the outstanding rejection based upon the combination of Mueller, Faller, JP ‘287, and Brewer is improper and ought to be withdrawn.

If an independent claim is nonobvious under § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 17-22, each of which ultimately depends from independent claim 13, are also non-obvious at least by virtue of their dependency from claim 13. Applicants note that claim 16 has been amended to depend from new independent claim 23 which is believed to be allowable for the reasons discussed below.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under § 103.

**Newly Added Claim 23**

In this response, Applicants have added new independent claim 23. With regard to this new independent claim, Applicants note that Mueller, Faller, JP '287, and Brewer, whether taken individually or in combination, fail to teach or suggest a device comprising “drive wheel which comprises a single pulley with a central web” and wherein “the fluid friction clutch and the electromagnetic clutch are arranged on opposite sides of the web and the driving disks are fastened on the drive shaft.” For at least this reason, Applicants submit that the outstanding rejections do not properly apply to claim 23. Applicants note that claim 16 has been amended to depend from claim 23. Applicants submit that claim 16 is allowable for at least the same reason as claim 23 and for its additional recitations.

**CONCLUSION**


Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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